

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 1 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new paragraph
2 and insert:
3 "SECTION 1. IC 6-1.1-1.5 IS ADDED TO THE INDIANA
4 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
5 [EFFECTIVE JANUARY 1, 2008]:
6 **Chapter 1.5. County Assessor Performs Township Assessor**
7 **Duties**
8 **Sec. 1. In a county having a consolidated city, the county**
9 **assessor has the same duties and responsibilities for the county that**
10 **the township assessor in a county that does not have a consolidated**
11 **city has for the township.**
12 SECTION 2. IC 6-1.1-3-17 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 17. (a) On or
14 before June 1 of each year, each township assessor of a county **not**
15 **having a consolidated city** shall deliver to the county assessor a list
16 which states by taxing district the total of the personal property
17 assessments as shown on the personal property returns filed with the
18 **township** assessor on or before the filing date of that year. ~~and in a~~
19 ~~county with a township assessor under IC 36-6-5-1 in every township~~
20 ~~the township assessor shall deliver the lists to the county auditor as~~
21 ~~prescribed in subsection (b):~~
22 (b) On or before July 1 of each year, each county assessor shall
23 certify to the county auditor the assessment value of the personal
24 property in every taxing district.
25 (c) The department of local government finance shall prescribe the
26 forms required by this section.
27 SECTION 3. IC 6-1.1-4-13.8, AS AMENDED BY P.L.228-2005,
28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JANUARY 1, 2008]: Sec. 13.8. (a) As used in this section,
30 "commission" refers to a county land valuation commission established
31 under subsection (b).
32 (b) Subject to subsection (l), a county land valuation commission

1 is established in each county for the purpose of determining the value
2 of commercial, industrial, and residential land (including farm
3 homesites) in the county.

4 (c) The county assessor is chairperson of the commission.

5 (d) The following are members of the commission:

6 (1) The county assessor. The county assessor shall cast a vote
7 only to break a tie.

8 (2) **Except in a county having a consolidated city**, each
9 township assessor, when the respective township land values for
10 that township assessor's township are under consideration. A
11 township assessor serving under this subdivision shall vote on all
12 matters relating to the land values of that township assessor's
13 township.

14 (3) **Except in a consolidated city**, one (1) township assessor
15 from the county to be appointed by a majority vote of all the
16 township assessors in the county.

17 (4) One (1) county resident who:

18 (A) holds a license under IC 25-34.1-3 as a salesperson or
19 broker; and

20 (B) is appointed by:

21 (i) the board of commissioners (as defined in
22 IC 36-3-3-10) for a county having a consolidated city;
23 or

24 (ii) the county executive (as defined in IC 36-1-2-5) for
25 a county not described in item (i).

26 (5) Four (4) individuals who:

27 (A) are appointed by the county executive (as defined in
28 IC 36-1-2-5); and

29 (B) represent one (1) of the following four (4) kinds of land
30 in the county:

31 (i) Agricultural.

32 (ii) Commercial.

33 (iii) Industrial.

34 (iv) Residential.

35 Each of the four (4) kinds of land in the county must be
36 represented by one (1) individual appointed under this
37 subdivision.

38 (6) One (1) individual who:

39 (A) represents financial institutions in the county; and

40 (B) is appointed by:

41 (i) the board of commissioners (as defined in
42 IC 36-3-3-10) for a county having a consolidated city;
43 or

44 (ii) the county executive (as defined in IC 36-1-2-5) for
45 a county not described in item (i).

46 (e) The term of each member of the commission begins November
47 1 of the year that precedes by two (2) years the year in which a general
48 reassessment begins under IC 6-1.1-4-4, and ends January 1 of the year
49 in which the general reassessment begins under IC 6-1.1-4-4. The
50 appointing authority may fill a vacancy for the remainder of the vacated
51 term.

52 (f) The commission shall determine the values of all classes of

commercial, industrial, and residential land (including farm homesites) in the county using guidelines determined by the department of local government finance. Not later than November 1 of the year preceding the year in which a general reassessment begins, the commission determining the values of land shall submit the values, all data supporting the values, and all information required under rules of the department of local government finance relating to the determination of land values to the county property tax assessment board of appeals and the department of local government finance. Not later than January 1 of the year in which a general reassessment begins, the county property tax assessment board of appeals shall hold a public hearing in the county concerning those values. The property tax assessment board of appeals shall give notice of the hearing in accordance with IC 5-3-1 and shall hold the hearing after March 31 of the year preceding the year in which the general reassessment begins and before January 1 of the year in which the general reassessment under IC 6-1.1-4-4 begins.

(g) The county property tax assessment board of appeals shall review the values, data, and information submitted under subsection (f) and may make any modifications it considers necessary to provide uniformity and equality. The county property tax assessment board of appeals shall coordinate the valuation of property adjacent to the boundaries of the county with the county property tax assessment boards of appeals of the adjacent counties using the procedures adopted by rule under IC 4-22-2 by the department of local government finance. If the commission fails to submit land values under subsection (f) to the county property tax assessment board of appeals before January 1 of the year the general reassessment under IC 6-1.1-4-4 begins, the county property tax assessment board of appeals shall determine the values.

(h) The county property tax assessment board of appeals shall give notice to the county and township assessors, **if any**, of its decision on the values. The notice must be given before March 1 of the year the general reassessment under IC 6-1.1-4-4 begins. Not later than twenty (20) days after that notice, the county assessor or a township assessor in the county, **if any**, may request that the county property tax assessment board of appeals reconsider the values. The county property tax assessment board of appeals shall hold a hearing on the reconsideration in the county. The county property tax assessment board of appeals shall give notice of the hearing under IC 5-3-1.

(i) Not later than twenty (20) days after notice to the county **assessor** and **the** township assessor, **if any**, is given under subsection (h), a taxpayer may request that the county property tax assessment board of appeals reconsider the values. The county property tax assessment board of appeals may hold a hearing on the reconsideration in the county. The county property tax assessment board of appeals shall give notice of the hearing under IC 5-3-1.

(j) A taxpayer may appeal the value determined under this section as applied to the taxpayer's land as part of an appeal filed under IC 6-1.1-15 after the taxpayer has received a notice of assessment. If a taxpayer that files an appeal under IC 6-1.1-15 requests the values, data, or information received by the county property tax assessment

board of appeals under subsection (f), the county property tax assessment board of appeals shall satisfy the request. The department of local government finance may modify the taxpayer's land value and the value of any other land in the township, the county where the taxpayer's land is located, or the adjacent county if the department of local government finance determines it is necessary to provide uniformity and equality.

(k) The county assessor shall notify all township assessors, **if any**, in the county of the values as determined by the commission and as modified by the county property tax assessment board of appeals or department of local government finance under this section. Township assessors shall use the values determined under this section.

(l) After notice to the county assessor and all township assessors in the county, **if any**, a majority of the assessors authorized to vote under this subsection may vote to abolish the county land valuation commission established under subsection (b). Each township assessor, **if any**, and the county assessor has one (1) vote. The county assessor shall give written notice to:

(1) each member of the county land valuation commission; and

(2) each township assessor, **if any**, in the county;
of the abolishment of the commission under this subsection.

SECTION 4. IC 6-1.1-4-25, AS AMENDED BY P.L.177-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 25. (a) Each township assessor shall keep the assessor's reassessment data and records current by securing the necessary field data and by making changes in the assessed value of real property as changes occur in the use of the real property. The township assessor's records shall at all times show the assessed value of real property in accordance with the provisions of this chapter. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

(b) ~~The township assessor in a county having a consolidated city,~~
~~or the county assessor in every other county;~~ shall:

(1) maintain an electronic data file of:

(A) the parcel characteristics and parcel assessments of all parcels; and

(B) the personal property return characteristics and assessments by return;

for each township in the county as of each assessment date;

(2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:

(A) the legislative services agency; and

(B) the department of local government finance;

(3) transmit the data in the file with respect to the assessment date of each year before October 1 of the year to:

(A) the legislative services agency; and

(B) the department of local government finance;

in a manner that meets the data export and transmission

requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and

(4) resubmit the data in the form and manner required under this subsection, upon request of the legislative services agency or the department of local government finance, if data previously submitted under this subsection does not comply with the requirements of this subsection, as determined by the legislative services agency or the department of local government finance.

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 5. IC 6-1.1-5-14, AS AMENDED BY P.L.88-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 14. Not later than May 15, each assessing official **in a county not having a consolidated city** shall prepare and deliver to the county assessor a detailed list of the real property listed for taxation in the township. On or before July 1 of each year, each county assessor shall, under oath, prepare and deliver to the county auditor a detailed list of the real property listed for taxation in the county. ~~In a county with an elected township assessor in every township the township assessor shall prepare the real property list.~~ The assessing officials and the county assessor shall prepare the list in the form prescribed by the department of local government finance. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

SECTION 6. IC 6-1.1-5.5-3, AS AMENDED BY P.L.228-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) For purposes of this section, "party" includes:

(1) a seller of property that is exempt under the seller's ownership; or

(2) a purchaser of property that is exempt under the purchaser's ownership;

from property taxes under IC 6-1.1-10.

(b) Before filing a conveyance document with the county auditor under IC 6-1.1-5-4, all the parties to the conveyance must complete and sign a sales disclosure form as prescribed by the department of local government finance under section 5 of this chapter. All the parties may sign one (1) form, or if all the parties do not agree on the information to be included on the completed form, each party may sign and file a separate form.

(c) ~~Except as provided in subsection (d),~~ The auditor shall forward each sales disclosure form to the county assessor. The county assessor shall retain the forms for five (5) years. The county assessor shall forward the sales disclosure form data to the department of local government finance and the legislative services agency

(1) before January 1, 2005; in an electronic format, if possible;
and

(2) after December 31, 2004; in an electronic format specified jointly by the department of local government finance and the legislative services agency.

The county assessor shall forward a copy of the sales disclosure forms to the township assessors, **if any**, in the county. The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(d) In a county containing a consolidated city, the auditor shall forward the sales disclosure form to the appropriate township assessor. The township assessor shall forward the sales disclosure form to the department of local government finance and the legislative services agency.

(1) before January 1, 2005; in an electronic format, if possible;
and

(2) after December 31, 2004; in an electronic format specified jointly by the department of local government finance and the legislative services agency.

The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(e) (d) If a sales disclosure form includes the telephone number or Social Security number of a party, the telephone number or Social Security number is confidential.

SECTION 7. IC 6-1.1-5.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 12. (a) A party to a conveyance who:

(1) is required to file a sales disclosure form under this chapter;
and

(2) fails to file a sales disclosure form at the time and in the manner required by this chapter;

is subject to a penalty in the amount determined under subsection (b).

(b) The amount of the penalty under subsection (a) is the greater of:

(1) one hundred dollars (\$100); or

(2) twenty-five thousandths percent (0.025%) of the sale price of the real property transferred under the conveyance document.

(c) The township assessor in a county containing a consolidated city, or the county assessor in any other county, shall:

(1) determine the penalty imposed under this section;

(2) assess the penalty to the party to a conveyance; and

(3) notify the party to the conveyance that the penalty is payable not later than thirty (30) days after notice of the assessment.

(d) The county auditor shall:

- (1) collect the penalty imposed under this section;
- (2) deposit penalty collections as required under section 4 of this chapter; and
- (3) notify the county prosecuting attorney of delinquent payments.

(e) The county prosecuting attorney shall initiate an action to recover a delinquent penalty under this section. In a successful action against a person for a delinquent penalty, the court shall award the county prosecuting attorney reasonable attorney's fees.

SECTION 8. IC 6-1.1-8-24, AS AMENDED BY P.L.88-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 24. (a) Each year a township assessor shall assess the fixed property which as of the assessment date of that year is:

- (1) owned or used by a public utility company; and
- (2) located in the township the township assessor serves.

(b) The township assessor shall determine the assessed value of fixed property. **Except as provided in subsection (c),** the township assessor shall certify the assessed values to the county assessor on or before April 1 of the year of assessment. ~~However, The county assessor shall review the assessed values and shall certify the assessed values to the department of local government finance on or before April 10 of the year of assessment.~~

(c) In a county with an elected township assessor in every township, the township assessor shall certify the list to the department of local government finance. **In a county having a consolidated city,** the county assessor shall ~~review the assessed values and shall certify the assessed values list to the department of local government finance. on or before April 10 of the year of assessment.~~

SECTION 9. IC 6-1.1-18.5-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 21. (a) The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-3-1-6.1 or IC 36-3-1-6.3.**

(b) For purposes of this section:

- (1) "current year" means the calendar year that immediately precedes the first calendar year in which property taxes are first due and payable based on a consolidation under IC 36-3-1-6.1 or IC 36-3-1-6.3;
- (2) "ensuing year" means the calendar year that immediately succeeds the current year; and
- (3) "maximum levy" means the maximum permissible ad valorem property tax levy under section 3 of this chapter.

(c) The maximum levy for a consolidated city is increased for property taxes first due and payable in the ensuing year and each subsequent calendar year by an amount equal to the lesser of:

(1) the difference between:

- (A) the maximum levy for the current year for the

- 1 consolidated city's fire special service district created
 2 under IC 36-3-1-6; and
 3 (B) the amount levied for the current year for the fire
 4 special service district; or
 5 (2) ten percent (10%) of the maximum levy for the
 6 consolidated city's fire special service district created under
 7 IC 36-3-1-6 for property taxes first due and payable in the
 8 ensuing year.
 9 (d) The maximum levy for property taxes first due and payable
 10 in the ensuing year:
 11 (1) is increased for a consolidated city by the amount equal
 12 to the property tax levy for taxes first due and payable in the
 13 current year for fire protection and related services by each:
 14 (A) township;
 15 (B) airport authority; or
 16 (C) fire protection territory;
 17 whose fire department is consolidated into the fire
 18 department of a consolidated city under IC 36-3-1-6.1; and
 19 (2) is reduced for:
 20 (A) a township;
 21 (B) an airport authority; or
 22 (C) a fire protection territory;
 23 whose fire department is consolidated into the fire
 24 department of a consolidated city under IC 36-3-1-6.1 by the
 25 amount equal to the property tax levy for taxes first due and
 26 payable in the current year for fire protection and related
 27 services by the township, airport authority, or fire protection
 28 territory.
 29 (e) The balance on January 1 of the ensuing year in the
 30 cumulative building and equipment fund for fire protection and
 31 related services of each:
 32 (1) township;
 33 (2) airport authority; or
 34 (3) fire protection territory;
 35 whose fire department is consolidated into the fire department of
 36 a consolidated city under IC 36-3-1-6.1 is transferred on that date
 37 to the consolidated city's cumulative building and equipment fund
 38 for fire protection and related services and may be used only for
 39 the purposes provided under IC 36-8-14.
 40 SECTION 10. IC 6-1.1-28-1, AS AMENDED BY P.L.228-2005,
 41 SECTION 24, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) **This section applies to**
 43 **all counties except a county having a consolidated city.** Each county
 44 shall have a county property tax assessment board of appeals composed
 45 of individuals who are at least eighteen (18) years of age and
 46 knowledgeable in the valuation of property. In addition to the county
 47 assessor, only one (1) other individual who is an officer or employee of
 48 a county or township may serve on the board of appeals in the county
 49 in which the individual is an officer or employee. Subject to subsections
 50 (d) and (e), the fiscal body of the county shall appoint two (2)

1 individuals to the board. At least one (1) of the members appointed by
 2 the county fiscal body must be a certified level two assessor-appraiser.
 3 Subject to subsections (d) and (e), the board of commissioners of the
 4 county shall appoint two (2) freehold members so that not more than
 5 three (3) of the five (5) members ~~may be~~ **are** of the same political party
 6 and so that at least three (3) of the five (5) members are residents of the
 7 county. At least one (1) of the members appointed by the board of
 8 county commissioners must be a certified level two assessor-appraiser.
 9 If the county assessor is a certified level two assessor-appraiser, the
 10 board of county commissioners may waive the requirement in this
 11 subsection that one (1) of the freehold members appointed by the board
 12 of county commissioners must be a certified level two
 13 assessor-appraiser. A person appointed to a property tax assessment
 14 board of appeals may serve on the property tax assessment board of
 15 appeals of another county at the same time. The members of the board
 16 shall elect a president. The employees of the county assessor shall
 17 provide administrative support to the property tax assessment board of
 18 appeals. The county assessor is a voting member of the property tax
 19 assessment board of appeals. The county assessor shall serve as
 20 secretary of the board. The secretary shall keep full and accurate
 21 minutes of the proceedings of the board. A majority of the board that
 22 includes at least one (1) certified level two assessor-appraiser
 23 constitutes a quorum for the transaction of business. Any question
 24 properly before the board may be decided by the agreement of a
 25 majority of the whole board.

26 (b) The county assessor, county fiscal body, and board of county
 27 commissioners may agree to waive the requirement in subsection (a)
 28 that not more than three (3) of the five (5) members of the county
 29 property tax assessment board of appeals may be of the same political
 30 party if it is necessary to waive the requirement due to the absence of
 31 certified level two Indiana assessor-appraisers:

- 32 (1) who are willing to serve on the board; and
- 33 (2) whose political party membership status would satisfy the
- 34 requirement in subsection ~~(c)(1)~~ **(a)**.

35 (c) If the board of county commissioners is not able to identify at
 36 least two (2) prospective freehold members of the county property tax
 37 assessment board of appeals who are:

- 38 (1) residents of the county;
- 39 (2) certified level two Indiana assessor-appraisers; and
- 40 (3) willing to serve on the county property tax assessment board
- 41 of appeals;

42 it is not necessary that at least three (3) of the five (5) members of the
 43 county property tax assessment board of appeals be residents of the
 44 county.

45 (d) Except as provided in subsection (e), the term of a member of
 46 the county property tax assessment board of appeals appointed under
 47 subsection (a):

- 48 (1) is one (1) year; and
- 49 (2) begins January 1.

50 (e) If:

- (1) the term of a member of the county property tax assessment board of appeals appointed under subsection (a) expires;
- (2) the member is not reappointed; and
- (3) a successor is not appointed;

the term of the member continues until a successor is appointed.

SECTION 11. IC 6-1.1-28-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 1.5. (a) This section applies to a county having a consolidated city. The county property tax assessment board of appeals is established, composed of individuals who are at least eighteen (18) years of age and knowledgeable in the valuation of property. In addition to the county assessor, who serves as a nonvoting member, only one (1) other individual who is an officer or employee of the county may serve on the board of appeals. The fiscal body of the county shall appoint two (2) individuals to the board. At least one (1) of the members appointed by the county fiscal body must be a certified level two Indiana assessor-appraiser. The board of commissioners of the county shall appoint three (3) freehold members so that not more than three (3) of the five (5) voting members are of the same political party and so that at least three (3) of the five (5) voting members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two Indiana assessor-appraiser. One (1) of the members appointed by the board of county commissioners must be a representative of a neighborhood or taxpayer organization located in the county. A person appointed to a property tax assessment board of appeals may serve on the property tax assessment board of appeals of another county at the same time. The members of the board shall elect a president. The employees of the county assessor shall provide administrative support to the property tax assessment board of appeals. The county assessor shall serve as secretary of the board. The secretary shall keep full and accurate minutes of the proceedings of the board. A majority of the voting members of the board that includes at least one (1) certified level two Indiana assessor-appraiser constitutes a quorum for the transaction of business. Any question properly before the board may be decided by the agreement of a majority of the voting members of the board.**

(b) The county fiscal body and board of commissioners of the county may agree to waive the requirement in subsection (a) that not more than three (3) of the five (5) members of the county property tax assessment board of appeals are of the same political party if it is necessary to waive the requirement due to the absence of certified level two Indiana assessor-appraisers:

- (1) who are willing to serve on the board; and**
- (2) whose political party membership status would satisfy the requirement in subsection (a).**

(c) If the board of county commissioners is not able to identify at least two (2) prospective freehold members of the county property tax assessment board of appeals who are:

- (1) residents of the county;
- (2) certified level two Indiana assessor-appraisers; and
- (3) willing to serve on the county property tax assessment board of appeals;

it is not necessary that at least three (3) of the five (5) members of the county property tax assessment board of appeals be residents of the county.

SECTION 12. IC 6-1.1-31.5-3.5, AS AMENDED BY P.L.228-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3.5. (a) Until the system described in subsection (e) is implemented, each county shall maintain a state certified computer system that has the capacity to:

- (1) process and maintain assessment records;
- (2) process and maintain standardized property tax forms;
- (3) process and maintain standardized property assessment notices;
- (4) maintain complete and accurate assessment records for the county; and
- (5) process and compute complete and accurate assessments in accordance with Indiana law.

In a county that does not have a consolidated city and does not have an elected township assessor in every township, the county assessor with the recommendation of the township assessors shall select the computer system used by township assessors and the county assessor in the county. ~~except in a county with an elected township assessor in every township.~~ **In a county with that does not have a consolidated city but has an elected township assessor in every township,** the elected township assessors shall select a computer system based on a majority vote of the township assessors in the county. **In a county that has a consolidated city, the county assessor shall select a computer system.**

(b) All information on a computer system referred to in subsection (a) shall be readily accessible to:

- (1) township assessors;
- (2) the county assessor;
- (3) the department of local government finance; and
- (4) members of the county property tax assessment board of appeals.

(c) The certified system referred to in subsection (a) used by the counties must be:

- (1) compatible with the data export and transmission requirements in a standard format prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and
- (2) maintained in a manner that ensures prompt and accurate transfer of data to the department of local government finance and the legislative services agency.

(d) All standardized property forms and notices on the certified computer system referred to in subsection (a) shall be maintained by the township assessor and the county assessor in an accessible location and

1 in a format that is easily understandable for use by persons of the
2 county.

3 (e) The department shall adopt rules before July 1, 2006, for the
4 establishment of:

5 (1) a uniform and common property tax management system
6 among all counties that:

7 (A) includes a combined mass appraisal and county auditor
8 system integrated with a county treasurer system; and

9 (B) replaces the computer system referred to in subsection
10 (a); and

11 (2) a schedule for implementation of the system referred to in
12 subdivision (1) structured to result in the implementation of the
13 system in all counties with respect to an assessment date:

14 (A) determined by the department; and

15 (B) specified in the rule.

16 (f) The department shall appoint an advisory committee to assist
17 the department in the formulation of the rules referred to in subsection
18 (e). The department shall determine the number of members of the
19 committee. The committee:

20 (1) must include at least:

21 (A) one (1) township assessor;

22 (B) one (1) county assessor;

23 (C) one (1) county auditor; and

24 (D) one (1) county treasurer; and

25 (2) shall meet at times and locations determined by the
26 department.

27 (g) Each member of the committee appointed under subsection (f)
28 who is not a state employee is not entitled to the minimum salary per
29 diem provided by IC 4-10-11-2.1(b). The member is entitled to
30 reimbursement for traveling expenses as provided under IC 4-13-1-4
31 and other expenses actually incurred in connection with the member's
32 duties as provided in the state policies and procedures established by
33 the Indiana department of administration and approved by the budget
34 agency.

35 (h) Each member of the committee appointed under subsection (f)
36 who is a state employee is entitled to reimbursement for traveling
37 expenses as provided under IC 4-13-1-4 and other expenses actually
38 incurred in connection with the member's duties as provided in the state
39 policies and procedures established by the Indiana department of
40 administration and approved by the budget agency.

41 (i) The department shall report to the budget committee in writing
42 the department's estimate of the cost of implementation of the system
43 referred to in subsection (e).

44 SECTION 13. IC 6-1.5-5-5, AS AMENDED BY P.L.199-2005,
45 SECTION 16, IS AMENDED TO READ AS FOLLOWS
46 [EFFECTIVE JANUARY 1, 2008]: Sec. 5. After the hearing, the
47 Indiana board shall give the petitioner, the township assessor, **if any**,
48 the county assessor, the county auditor, the affected taxing units
49 required to be notified under section 2(e) of this chapter, and the
50 department of local government finance:

(1) notice, by mail, of its final determination, findings of fact, and conclusions of law; and

(2) notice of the procedures the petitioner or the department of local government finance must follow in order to obtain court review of the final determination of the Indiana board.

SECTION 14. IC 6-2.5-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) A retail merchant may not make a retail transaction in Indiana, unless ~~he the~~ **retail merchant** has applied for a registered retail merchant's certificate.

(b) A retail merchant may obtain a registered retail merchant's certificate by filing an application with the department and paying a registration fee of twenty-five dollars (\$25) for each place of business listed on the application. The retail merchant shall also provide such security for payment of the tax as the department may require under IC 6-2.5-6-12.

(c) The retail merchant shall list on the application the location (including the township) of each place of business where ~~he the~~ **merchant** makes retail transactions. However, if the retail merchant does not have a fixed place of business, ~~he the merchant~~ shall list ~~his~~ **the merchant's** residence as ~~his the merchant's~~ place of business. In addition, a public utility may list only its principal Indiana office as its place of business for sales of public utility commodities or service, but the utility must also list on the application the places of business where it makes retail transactions other than sales of public utility commodities or service.

(d) Upon receiving a proper application, the correct fee, and the security for payment, if required, the department shall issue to the retail merchant a separate registered retail merchant's certificate for each place of business listed on the application. Each certificate shall bear a serial number and the location of the place of business for which it is issued.

(e) If a retail merchant intends to make retail transactions during a calendar year at a new Indiana place of business, ~~he the retail~~ **merchant** must file a supplemental application and pay the fee for that place of business.

(f) A retail merchant engaged in business in Indiana as defined in IC 6-2.5-3-1(c) who makes retail transactions that are only subject to the use tax must obtain a registered retail merchant's certificate before making those transactions. The retail merchant may obtain the certificate by following the same procedure as a retail merchant under subsections (b) and (c), except that the retail merchant must also include on the application:

(1) the names and addresses of the retail merchant's principal employees, agents, or representatives who engage in Indiana in the solicitation or negotiation of the retail transactions;

(2) the location of all of the retail merchant's places of business in Indiana, including offices and distribution houses; and

(3) any other information that the department requests.

(g) The department may permit an out-of-state retail merchant to

collect the use tax. However, before the out-of-state retail merchant may collect the tax, ~~he~~ **the retail merchant** must obtain a registered retail merchant's certificate in the manner provided by this section. Upon receiving the certificate, the out-of-state retail merchant becomes subject to the same conditions and duties as an Indiana retail merchant and must then collect the use tax due on all sales of tangible personal property that ~~he~~ **the retail merchant** knows is intended for use in Indiana.

(h) The department shall submit to the township assessor **or, in the case of a township located in a county having a consolidated city, the county assessor** before July 15 of each year:

- (1) the name of each retail merchant that has newly obtained a registered retail merchant's certificate between March 2 of the preceding year and March 1 of the current year for a place of business located in the township **or county, as appropriate;** and
- (2) the address of each place of business of the taxpayer in the township **or county, as appropriate.**

SECTION 15. IC 6-3.5-6-18.5, AS AMENDED BY P.L.234-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

- (1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

- (2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

Center Township	\$1,898,145
Decatur Township	\$164,103
Franklin Township	\$173,934
Lawrence Township	\$890,086

1	Perry Township	\$854,544
2	Pike Township	\$1,410,375
3	Warren Township	\$1,027,721
4	Washington Township	\$1,017,890
5	Wayne Township	\$988,397
6	Lawrence-City	\$648,848
7	Beech Grove	\$639,017
8	Southport	\$18,906
9	Speedway	\$546,000
10	(3) For each year after 1995, calculate the total amount of revenues	
11	that are to be distributed as distributive shares during that month as	
12	follows:	
13	STEP ONE: Determine the total amount of revenues that were	
14	distributed as distributive shares during that month in calendar	
15	year 1995.	
16	STEP TWO: Determine the total amount of revenue that the	
17	department has certified as distributive shares for that month	
18	under section 17 of this chapter for the calendar year.	
19	STEP THREE: Subtract the STEP ONE result from the STEP	
20	TWO result.	
21	STEP FOUR: If the STEP THREE result is less than or equal to	
22	zero (0), multiply the STEP TWO result by the ratio established	
23	under subdivision (1).	
24	STEP FIVE: Determine the ratio of:	
25	(A) the maximum permissible property tax levy under	
26	IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil	
27	taxing unit for the calendar year in which the month falls, plus,	
28	for a county, an amount equal to the property taxes imposed by	
29	the county in 1999 for the county's welfare fund and welfare	
30	administration fund; divided by	
31	(B) the sum of the maximum permissible property tax levies	
32	under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all civil	
33	taxing units of the county during the calendar year in which the	
34	month falls, and an amount equal to the property taxes imposed	
35	by the county in 1999 for the county's welfare fund and	
36	welfare administration fund.	
37	STEP SIX: If the STEP THREE result is greater than zero (0),	
38	the STEP ONE amount shall be distributed by multiplying the	
39	STEP ONE amount by the ratio established under subdivision	
40	(1).	
41	STEP SEVEN: For each taxing unit determine the STEP FIVE	
42	ratio multiplied by the STEP TWO amount.	
43	STEP EIGHT: For each civil taxing unit determine the difference	
44	between the STEP SEVEN amount minus the product of the	
45	STEP ONE amount multiplied by the ratio established under	
46	subdivision (1). The STEP THREE excess shall be distributed as	
47	provided in STEP NINE only to the civil taxing units that have	
48	a STEP EIGHT difference greater than or equal to zero (0).	
49	STEP NINE: For the civil taxing units qualifying for a	
50	distribution under STEP EIGHT, each civil taxing unit's share	

1 equals the STEP THREE excess multiplied by the ratio of:

2 (A) the maximum permissible property tax levy under
3 IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the qualifying
4 civil taxing unit during the calendar year in which the month
5 falls, plus, for a county, an amount equal to the property taxes
6 imposed by the county in 1999 for the county's welfare fund
7 and welfare administration fund; divided by

8 (B) the sum of the maximum permissible property tax levies
9 under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all
10 qualifying civil taxing units of the county during the calendar
11 year in which the month falls, and an amount equal to the
12 property taxes imposed by the county in 1999 for the county's
13 welfare fund and welfare administration fund.

14 **(c) Except with respect to Center Township, for each year after**
15 **2006, sixty-six percent (66%) of the revenues to be distributed as**
16 **distributive shares during each month to the townships listed in**
17 **this section are to be distributed as additional distributive shares**
18 **to Indianapolis/Marion County and the township distributive**
19 **shares are reduced by sixty-six percent (66%).**

20 **(d) If Lawrence, Beech Grove, Southport, or Speedway**
21 **consolidates its fire department into the consolidated fire**
22 **department under IC 36-3-1-6.3, commencing with the calendar**
23 **year following that consolidation and for each year thereafter, the**
24 **monthly distributive share of county option income taxes**
25 **distributed to Lawrence, Beech Grove, Southport, or Speedway, as**
26 **applicable, shall be reduced by a percentage set forth in the**
27 **ordinances adopted under IC 36-3-1-6.3, and those revenues shall**
28 **instead be distributed as additional distributive shares to**
29 **Indianapolis/Marion County.**

30 SECTION 16. IC 6-6-5.5-18 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 18. (a) A
32 taxpayer who owns, holds, possesses, or controls a commercial vehicle
33 that:

34 (1) is subject to the commercial vehicle excise tax imposed under
35 this chapter; and

36 (2) would have been subject to assessment as personal property on
37 March 1, 2000, under the law in effect before January 1, 2000;
38 shall file an information return on or before May 15, 2000, with the
39 assessor of each township in which the taxpayer's commercial vehicles
40 would have been subject to assessment and taxation under IC 6-1.1.

41 (b) The information return ~~shall be~~ **is** filed on a form prescribed by
42 the department of local government finance and shall require the
43 taxpayer to provide information regarding the value, nature, and
44 location of each commercial vehicle which the taxpayer owns, holds,
45 possesses, or controls on March 1, 2000. If a commercial vehicle is
46 used or operated in interstate commerce, the value reported on the
47 information return ~~shall be~~ **is** determined under the procedure set forth
48 in 50 IAC 4.2-10-3.

49 (c) The information return shall be furnished to the taxpayer by the
50 appropriate ~~township~~ assessor **for each township** in the same manner

1 and at the same time as the taxpayer's personal property tax return.

2 (d) In completing an information return under this section, a taxpayer
3 shall make a complete disclosure of all information, required by the
4 department of local government finance, that is related to the value,
5 nature, or location of commercial vehicles that the taxpayer owns,
6 holds, possesses or controls on March 1, 2000. The taxpayer shall
7 certify to the truth of all information appearing in the information return
8 and all data accompanying the information return.

9 (e) The ~~township~~ assessor **for each township** shall examine and
10 verify the accuracy of each information return filed by a taxpayer. If
11 appropriate, the assessor **for each township** shall compare an
12 information return with the books of the taxpayer and with commercial
13 vehicles owned, held, possessed, or controlled by the taxpayer.

14 SECTION 17. IC 6-6-5.5-19 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 19. (a) As used
16 in this section, "assessed value" means an amount equal to the true tax
17 value of commercial vehicles that:

18 (1) are subject to the commercial vehicle excise tax under this
19 chapter; and

20 (2) would have been subject to assessment as personal property on
21 March 1, 2000, under the law in effect before January 1, 2000.

22 (b) For calendar year 2001, a taxing unit's base revenue shall be
23 determined as provided in subsection (f). For calendar years that begin
24 after December 31, 2001, a taxing unit's base revenue shall be
25 determined by multiplying the previous year's base revenue by one
26 hundred five percent (105%).

27 (c) The amount of commercial vehicle excise tax distributed to the
28 taxing units of Indiana from the commercial vehicle excise tax fund
29 shall be determined in the manner provided in this section. On or before
30 June 1, 2000, ~~each township the~~ assessor ~~of a county for each~~
31 **township** shall deliver to the county assessor a list that states by taxing
32 district the total assessed value as shown on the information returns
33 filed with the assessor on or before May 15, 2000.

34 (d) On or before July 1, 2000, each county assessor shall certify to
35 the county auditor the assessed value of commercial vehicles in every
36 taxing district.

37 (e) On or before August 1, 2000, the county auditor shall certify the
38 following to the department of local government finance:

39 (1) The total assessed value of commercial vehicles in the county.

40 (2) The total assessed value of commercial vehicles in each taxing
41 district of the county.

42 (f) The department of local government finance shall determine each
43 taxing unit's base revenue by applying the current tax rate for each
44 taxing district to the certified assessed value from each taxing district.
45 The department of local government finance shall also determine the
46 following:

47 (1) The total amount of base revenue to be distributed from the
48 commercial vehicle excise tax fund in 2001 to all taxing units in
49 Indiana.

50 (2) The total amount of base revenue to be distributed from the

commercial vehicle excise tax fund in 2001 to all taxing units in each county.

(3) Each county's total distribution percentage. A county's total distribution percentage shall be determined by dividing the total amount of base revenue to be distributed in 2001 to all taxing units in the county by the total base revenue to be distributed statewide.

(4) Each taxing unit's distribution percentage. A taxing unit's distribution percentage shall be determined by dividing each taxing unit's base revenue by the total amount of base revenue to be distributed in 2001 to all taxing units in the county.

(g) The department of local government finance shall certify each taxing unit's base revenue and distribution percentage for calendar year 2001 to the auditor of state on or before September 1, 2000.

(h) The auditor of state shall keep permanent records of each taxing unit's base revenue and distribution percentage for calendar year 2001 for purposes of determining the amount of money each taxing unit in Indiana is entitled to receive in calendar years that begin after December 31, 2001.

SECTION 18. IC 6-8.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to:

- (1) members and employees of the department;
- (2) the governor;
- (3) the attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes; or
- (4) any authorized officers of the United States;

when it is agreed that the information is to be confidential and to be used solely for official purposes.

(b) The information described in subsection (a) may be revealed upon the receipt of a certified request of any designated officer of the state tax department of any other state, district, territory, or possession of the United States when:

- (1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and
- (2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person on public welfare or a person who has made application for public welfare may be revealed to the director of the division of family and children, and to any county director of family and children located in

1 Indiana, upon receipt of a written request from either director for the
 2 information. The information shall be treated as confidential by the
 3 directors. In addition, the information described in subsection (a)
 4 relating to a person who has been designated as an absent parent by the
 5 state Title IV-D agency shall be made available to the state Title IV-D
 6 agency upon request. The information shall be subject to the
 7 information safeguarding provisions of the state and federal Title IV-D
 8 programs.

9 (d) The name, address, Social Security number, and place of
 10 employment relating to any individual who is delinquent in paying
 11 educational loans owed to an institution of higher education may be
 12 revealed to that institution if it provides proof to the department that the
 13 individual is delinquent in paying for educational loans. This
 14 information shall be provided free of charge to approved institutions of
 15 higher learning (as defined by IC 20-12-21-3(2)). The department shall
 16 establish fees that all other institutions must pay to the department to
 17 obtain information under this subsection. However, these fees may not
 18 exceed the department's administrative costs in providing the
 19 information to the institution.

20 (e) The information described in subsection (a) relating to reports
 21 submitted under IC 6-6-1.1-502 concerning the number of gallons of
 22 gasoline sold by a distributor, and IC 6-6-2.5 concerning the number of
 23 gallons of special fuel sold by a supplier and the number of gallons of
 24 special fuel exported by a licensed exporter or imported by a licensed
 25 transporter may be released by the commissioner upon receipt of a
 26 written request for the information.

27 (f) The information described in subsection (a) may be revealed upon
 28 the receipt of a written request from the administrative head of a state
 29 agency of Indiana when:

- 30 (1) the state agency shows an official need for the information; and
- 31 (2) the administrative head of the state agency agrees that any
- 32 information released will be kept confidential and will be used
- 33 solely for official purposes.

34 (g) The name and address of retail merchants, including township, as
 35 specified in IC 6-2.5-8-1(h) may be released solely for tax collection
 36 purposes to ~~township~~ assessors **for each township**.

37 (h) The department shall notify the appropriate innkeepers' tax board,
 38 bureau, or commission that a taxpayer is delinquent in remitting
 39 innkeepers' taxes under IC 6-9.

40 (i) All information relating to the delinquency or evasion of the motor
 41 vehicle excise tax may be disclosed to the bureau of motor vehicles in
 42 Indiana and may be disclosed to another state, if the information is
 43 disclosed for the purpose of the enforcement and collection of the taxes
 44 imposed by IC 6-6-5.

45 (j) All information relating to the delinquency or evasion of
 46 commercial vehicle excise taxes payable to the bureau of motor
 47 vehicles in Indiana may be disclosed to the bureau and may be
 48 disclosed to another state, if the information is disclosed for the purpose
 49 of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

50 (k) All information relating to the delinquency or evasion of

commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(l) This section does not apply to:

- (1) the beer excise tax (IC 7.1-4-2);
- (2) the liquor excise tax (IC 7.1-4-3);
- (3) the wine excise tax (IC 7.1-4-4);
- (4) the hard cider excise tax (IC 7.1-4-4.5);
- (5) the malt excise tax (IC 7.1-4-5);
- (6) the motor vehicle excise tax (IC 6-6-5);
- (7) the commercial vehicle excise tax (IC 6-6-5.5); and
- (8) the fees under IC 13-23.

(m) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared under ~~IC 6-2.5-6-14~~. **IC 6-2.5-6-14.2.**

SECTION 19. IC 8-22-3-11.6, AS ADDED BY P.L.227-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.6. (a) This section applies only to an airport authority established for a county having a consolidated city.

(b) **If:**

(1) the legislative body of the consolidated city ~~and the governing body of the airport authority may adopt substantially similar ordinances providing that~~ **adopts an ordinance providing that:**

(A) the fire department of the airport authority is consolidated into the fire department of the consolidated city **created by IC 36-3-1-6.1; and that**

(B) the fire department of the consolidated city shall provide fire protection services for the airport authority; ~~if ordinances are adopted under this section; and~~

(2) **the executive of the consolidated city approves the ordinance;**

the consolidation shall take effect on the date agreed to by the legislative body of the consolidated city ~~and the governing body of the airport authority in the ordinances.~~ **set forth in the ordinance.**

(c) The legislative body of the consolidated city ~~and the governing body of the airport authority may adopt substantially similar ordinances~~ **an ordinance under IC 36-3-1-5.1** providing that the law enforcement services of the airport authority are consolidated into the consolidated law enforcement department of the consolidated city **created by IC 36-3-1-5.1**, and that the law enforcement department of the consolidated city shall provide law enforcement services for the airport authority. ~~If ordinances are adopted under this section, the consolidation shall take effect on the date agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances.~~

SECTION 20. IC 9-22-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. The following

officers may act for their respective units of government under this chapter:

- (1) The sheriff, for a county.
- (2) The chief of police, for a city.
- (3) A town marshal, for a town.
- (4) A township trustee, for a township **in a county not having a consolidated city.**
- (5) A state police officer, for the state.

SECTION 21. IC 10-18-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. A township trustee **for a township in a county not having a consolidated city** may receive as public property a monument or memorial built:

- (1) in the township;
- (2) in honor of the township's soldiers or marines; and
- (3) by the people with public donations;

if the people of the township want to give the monument or memorial to the township."

Page 16, between lines 23 and 24, begin a new paragraph and insert: "SECTION 22. IC 32-21-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) If the auditor of the county or the ~~township~~ assessor **for a township** under IC 6-1.1-5-9 and IC 6-1.1-5-9.1 determines it necessary, an instrument transferring fee simple title to less than the whole of a tract that will result in the division of the tract into at least two (2) parcels for property tax purposes may not be recorded unless the auditor or township assessor is furnished a drawing or other reliable evidence of the following:

- (1) The number of acres in each new tax parcel being created.
- (2) The existence or absence of improvements on each new tax parcel being created.
- (3) The location within the original tract of each new tax parcel being created.

(b) Any instrument that is accepted for recording and placed of record that bears the endorsement required by IC 36-2-11-14 is presumed to comply with this section."

Page 20, between lines 24 and 25, begin a new paragraph and insert: "SECTION 23. IC 32-28-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) A contractor, a subcontractor, a mechanic, a lessor leasing construction and other equipment and tools, whether or not an operator is also provided by the lessor, a journeyman, a laborer, or any other person performing labor or furnishing materials or machinery, including the leasing of equipment or tools, for:

- (1) the erection, alteration, repair, or removal of:
 - (A) a house, mill, manufactory, or other building; or
 - (B) a bridge, reservoir, system of waterworks, or other structure;
- (2) the construction, alteration, repair, or removal of a walk or sidewalk located on the land or bordering the land, a stile, a well, a drain, a drainage ditch, a sewer, or a cistern; or
- (3) any other earth moving operation;

1 may have a lien as set forth in this section.

2 (b) A person described in subsection (a) may have a lien separately
3 or jointly upon the:

4 (1) house, mill, manufactory, or other building, bridge, reservoir,
5 system of waterworks, or other structure, sidewalk, walk, stile,
6 well, drain, drainage ditch, sewer, cistern, or earth:

7 (A) that the person erected, altered, repaired, moved, or removed;
8 or

9 (B) for which the person furnished materials or machinery of any
10 description; and

11 (2) on the interest of the owner of the lot or parcel of land:

12 (A) on which the structure or improvement stands; or

13 (B) with which the structure or improvement is connected;

14 to the extent of the value of any labor done or the material furnished, or
15 both, including any use of the leased equipment and tools.

16 (c) All claims for wages of mechanics and laborers employed in or
17 about a shop, mill, wareroom, storeroom, manufactory or structure,
18 bridge, reservoir, system of waterworks or other structure, sidewalk,
19 walk, stile, well, drain, drainage ditch, cistern, or any other earth
20 moving operation shall be a lien on all the:

21 (1) machinery;

22 (2) tools;

23 (3) stock;

24 (4) material; or

25 (5) finished or unfinished work;

26 located in or about the shop, mill, wareroom, storeroom, manufactory
27 or other building, bridge, reservoir, system of waterworks, or other
28 structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer,
29 cistern, or earth used in a business.

30 (d) If the person, firm, limited liability company, or corporation
31 described in subsection (a) is in failing circumstances, the claims
32 described in this section shall be preferred debts whether a claim or
33 notice of lien has been filed.

34 (e) Subject to subsection (f), a contract:

35 (1) for the construction, alteration, or repair of a Class 2 structure
36 (as defined in IC 22-12-1-5);

37 (2) for the construction, alteration, or repair of an improvement on
38 the same real estate auxiliary to a Class 2 structure (as defined in
39 IC 22-12-1-5);

40 (3) for the construction, alteration, or repair of property that is:

41 (A) owned, operated, managed, or controlled by a:

42 (i) public utility (as defined in IC 8-1-2-1);

43 (ii) municipally owned utility (as defined in IC 8-1-2-1);

44 (iii) joint agency (as defined in IC 8-1-2.2-2);

45 (iv) rural electric membership corporation formed under
46 IC 8-1-13-4;

47 (v) rural telephone cooperative corporation formed under
48 IC 8-1-17; or

49 (vi) not-for-profit utility (as defined in IC 8-1-2-125);

50 regulated under IC 8; and

(B) intended to be used and useful for the production, transmission, delivery, or furnishing of heat, light, water, telecommunications services, or power to the public; or

(4) to prepare property for Class 2 residential construction; may include a provision or stipulation in the contract of the owner and principal contractor that a lien may not attach to the real estate, building, structure, or any other improvement of the owner.

(f) A contract containing a provision or stipulation described in subsection (e) must meet the requirements of this subsection to be valid against subcontractors, mechanics, journeymen, laborers, or persons performing labor upon or furnishing materials or machinery for the property or improvement of the owner. The contract must:

- (1) be in writing;
- (2) contain specific reference by legal description of the real estate to be improved;
- (3) be acknowledged as provided in the case of deeds; and
- (4) be filed and recorded in the recorder's office of the county in which the real estate, building, structure, or other improvement is situated not more than five (5) days after the date of execution of the contract.

A contract containing a provision or stipulation described in subsection (e) does not affect a lien for labor, material, or machinery supplied before the filing of the contract with the recorder.

(g) Upon the filing of a contract under subsection (f), the recorder shall:

- (1) record the contract at length in the order of the time it was received in books provided by the recorder for that purpose;
- (2) index the contract in the name of the:
 - (A) contractor; and
 - (B) owner;
 in books kept for that purpose; and
- (3) collect a fee for recording the contract as is provided for the recording of deeds and mortgages.

(h) A person, firm, partnership, limited liability company, or corporation that sells or furnishes on credit any material, labor, or machinery for the alteration or repair of an owner occupied single or double family dwelling or the appurtenances or additions to the dwelling to:

- (1) a contractor, subcontractor, mechanic; or
- (2) anyone other than the occupying owner or the owner's legal representative;

must furnish to the occupying owner of the parcel of land where the material, labor, or machinery is delivered a written notice of the delivery or work and of the existence of lien rights not later than thirty (30) days after the date of first delivery or labor performed. The furnishing of the notice is a condition precedent to the right of acquiring a lien upon the lot or parcel of land or the improvement on the lot or parcel of land.

(i) A person, firm, partnership, limited liability company, or corporation that sells or furnishes on credit material, labor, or

1 machinery for the original construction of a single or double family
 2 dwelling for the intended occupancy of the owner upon whose real
 3 estate the construction takes place to a contractor, subcontractor,
 4 mechanic, or anyone other than the owner or the owner's legal
 5 representatives must:

6 (1) furnish the owner of the real estate:

7 (A) as named in the latest entry in the transfer books described
 8 in IC 6-1.1-5-4 of the county auditor; or

9 (B) if IC 6-1.1-5-9 applies, as named in the transfer books of the
 10 **township assessor for the township;**

11 with a written notice of the delivery or labor and the existence of
 12 lien rights not later than sixty (60) days after the date of the first
 13 delivery or labor performed; and

14 (2) file a copy of the written notice in the recorder's office of the
 15 county not later than sixty (60) days after the date of the first
 16 delivery or labor performed.

17 The furnishing and filing of the notice is a condition precedent to the
 18 right of acquiring a lien upon the real estate or upon the improvement
 19 constructed on the real estate.

20 (j) A lien for material or labor in original construction does not attach
 21 to real estate purchased by an innocent purchaser for value without
 22 notice of a single or double family dwelling for occupancy by the
 23 purchaser unless notice of intention to hold the lien is recorded under
 24 section 3 of this chapter before recording the deed by which the
 25 purchaser takes title.

26 SECTION 24. IC 32-28-3-3 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) Except as
 28 provided in subsection (b), a person who wishes to acquire a lien upon
 29 property, whether the claim is due or not, must file in duplicate a sworn
 30 statement and notice of the person's intention to hold a lien upon the
 31 property for the amount of the claim:

32 (1) in the recorder's office of the county; and

33 (2) not later than ninety (90) days after performing labor or
 34 furnishing materials or machinery described in section 1 of this
 35 chapter.

36 The statement and notice of intention to hold a lien may be verified and
 37 filed on behalf of a client by an attorney registered with the clerk of the
 38 supreme court as an attorney in good standing under the requirements
 39 of the supreme court.

40 (b) This subsection applies to a person that performs labor or
 41 furnishes materials or machinery described in section 1 of this chapter
 42 related to a Class 2 structure (as defined in IC 22-12-1-5) or an
 43 improvement on the same real estate auxiliary to a Class 2 structure (as
 44 defined in IC 22-12-1-5). A person who wishes to acquire a lien upon
 45 property, whether the claim is due or not, must file in duplicate a sworn
 46 statement and notice of the person's intention to hold a lien upon the
 47 property for the amount of the claim:

48 (1) in the recorder's office of the county; and

49 (2) not later than sixty (60) days after performing labor or
 50 furnishing materials or machinery described in section 1 of this

1 chapter.

2 The statement and notice of intention to hold a lien may be verified and
3 filed on behalf of a client by an attorney registered with the clerk of the
4 supreme court as an attorney in good standing under the requirements
5 of the supreme court.

6 (c) A statement and notice of intention to hold a lien filed under this
7 section must specifically set forth:

8 (1) the amount claimed;

9 (2) the name and address of the claimant;

10 (3) the owner's:

11 (A) name; and

12 (B) latest address as shown on the property tax records of the
13 county; and

14 (4) the:

15 (A) legal description; and

16 (B) street and number, if any;

17 of the lot or land on which the house, mill, manufactory or other
18 buildings, bridge, reservoir, system of waterworks, or other
19 structure may stand or be connected with or to which it may be
20 removed.

21 The name of the owner and legal description of the lot or land will be
22 sufficient if they are substantially as set forth in the latest entry in the
23 transfer books described in IC 6-1.1-5-4 of the county auditor or, if
24 IC 6-1.1-5-9 applies, the transfer books of the ~~township~~ assessor **for the**
25 **township** at the time of filing of the notice of intention to hold a lien.

26 (d) The recorder shall:

27 (1) mail, first class, one (1) of the duplicates of the statement and
28 notice of intention to hold a lien to the owner named in the
29 statement and notice not later than three (3) business days after
30 recordation;

31 (2) post records as to the date of the mailing; and

32 (3) collect a fee of two dollars (\$2) from the lien claimant for each
33 statement and notice that is mailed.

34 The statement and notice shall be addressed to the latest address of the
35 owner as specifically set out in the sworn statement and notice of the
36 person intending to hold a lien upon the property."

37 Page 21, line 11, strike "accounting;" and insert "**accounting for and**
38 **recording on a timely basis all accounts receivable, accounts**
39 **payable, and cash disbursements in the official books and records**
40 **of the city and county in a format consistent with the budget**
41 **approved by the fiscal body;**".

42 Page 21, line 18, delete "." and insert ", **unless the county auditor's**
43 **actions are contrary to the budget, purchasing procedures, or**
44 **internal accounting controls approved by the fiscal body.**".

45 Page 22, line 5, delete ", " and insert ":

46 (1) **the county assessor shall perform the functions of an**
47 **assessing official and other duties of an assessing official**
48 **prescribed by statute in each township in the county, including**
49 **assessment duties prescribed by IC 6-1.1; and**

50 (2)".

Page 22, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 25. IC 36-3-1-6.1, AS ADDED BY P.L.227-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) **This section applies only in a county containing a consolidated city. If the requirements of subsection (g) are satisfied, The legislative body of the consolidated city may adopt an ordinance, approved by the executive of the consolidated city, to consolidate the fire departments of the following are consolidated into the fire department of a consolidated city (referred to as "the consolidated fire department"):**

(1) A township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the located in a county having a consolidated city.

(2) Any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1): **county having a consolidated city.**

(3) **The territory in which an airport authority established for a consolidated city under IC 8-22-3 may provide fire protection services.**

(b) The legislative body of the consolidated city may not adopt an ordinance under this section, unless the legislative body first:

(1) holds a public hearing on the proposed consolidation; and

(2) determines that:

(A) reasonable and adequate fire protection can be provided through the consolidation; and

(B) the consolidation is in the public interest.

~~(b)~~ (c) If the requirements of subsection ~~(g)~~ (a) are satisfied, **except as provided in section 6.3 of this chapter**, the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied **the county beginning** on the date agreed to in the resolution of the township legislative body and **set forth in the ordinance of the legislative body of the consolidated city.**

~~(c)~~ (d) If the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) ~~is~~ are consolidated into the fire department of the consolidated city, all of the property, equipment, records, rights, and contracts of the department departments consolidated into the fire department of the consolidated city are:

(1) transferred to; or

(2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located. **Any funds transferred under this subsection to the consolidated city that represent balances in a cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 shall be deposited to the consolidated city's cumulative**

1 **building and equipment fund for fire protection and related**
 2 **services established under this section and shall be used by the**
 3 **consolidated city for the funding of land, buildings, and equipment**
 4 **for fire protection and emergency medical services as provided**
 5 **under IC 36-8-14.**

6 ~~(d)~~ **(e)** If the requirements of subsection (g) are satisfied and the fire
 7 department ~~departments~~ of an entity ~~the entities~~ listed in subsection
 8 (a) ~~is are~~ consolidated into the fire department of the consolidated city,
 9 the employees of the fire department consolidated into the fire
 10 department of the consolidated city cease employment with the
 11 department of the entity listed in subsection (a) and become employees
 12 of the consolidated fire department on the effective date of the
 13 consolidation. The consolidated city shall assume all agreements with
 14 labor organizations that:

15 (1) are in effect on the effective date of the consolidation; and

16 (2) apply to employees of the department consolidated into the fire
 17 department of the consolidated city who become employees of the
 18 consolidated fire department.

19 ~~(e)~~ **(f)** If the requirements of subsection (g) are satisfied and the fire
 20 department ~~departments~~ of an entity ~~the entities~~ listed in subsection
 21 (a) ~~is are~~ consolidated into the fire department of a consolidated city,
 22 the indebtedness related to fire protection services incurred before the
 23 effective date of the consolidation by:

24 (1) the entity; or

25 (2) a building, holding, or leasing corporation on behalf of the
 26 entity;

27 whose fire department is consolidated into the consolidated fire
 28 department under subsection (a) shall ~~remain the debt of the entity and~~
 29 ~~does not become and may not be assumed, defeased, paid, or~~
 30 **refunded** by the consolidated city. Indebtedness related to fire
 31 protection services that is incurred by the consolidated city before the
 32 effective date of the consolidation shall remain the debt of the
 33 consolidated city and property taxes levied to pay the debt may only be
 34 levied by the fire special service district.

35 **(g) Notwithstanding any other law and subject to subsection (h),**
 36 **to assume, defease, pay or refund all or a part of the indebtedness**
 37 **described in subsection (f), the consolidated city is not required to**
 38 **comply with any other statutory procedures or approvals that**
 39 **apply when a unit incurs indebtedness.**

40 **(h) Notwithstanding subsections (f) and (g), the consolidated city**
 41 **may not assume all or any part of the indebtedness described in**
 42 **subsection (f) that will exceed the limitations on the amount of**
 43 **indebtedness that the consolidated city may incur.**

44 **(i) The rights of the trustee and the bondholders with respect to**
 45 **any:**

46 (1) bonds or other indebtedness described in subsection (f); or

47 (2) bond resolution, trust agreement or indenture, security
 48 agreement, purchase agreement, or other undertaking with
 49 respect to indebtedness described in subsection (f);

50 remain the same, although the powers, duties, agreements, and

1 liabilities of the entities listed in subsection (a) have been
 2 transferred to the consolidated city, and the consolidated city shall
 3 be considered to have assumed all of those powers, duties,
 4 agreements and liabilities.

5 (f) (j) If the requirements of subsection (g) are satisfied and the fire
 6 department departments of an entity the entities listed in subsection
 7 (a) is are consolidated into the fire department of a consolidated city,
 8 the merit board and the merit system of the fire department
 9 departments that is are consolidated are dissolved on the effective date
 10 of the consolidation, and the duties of the merit boards are transferred
 11 to and assumed by the merit board for the consolidated fire department
 12 on the effective date of the consolidation.

13 (g) A township legislative body, after approval by the township
 14 trustee, may adopt a resolution approving the consolidation of the
 15 township's fire department with the fire department of the consolidated
 16 city. A township legislative body may adopt a resolution under this
 17 subsection only after the township legislative body has held a public
 18 hearing concerning the proposed consolidation. The township
 19 legislative body shall hold the hearing not earlier than thirty (30) days
 20 after the date the resolution is introduced. The hearing shall be
 21 conducted in accordance with IC 5-14-1.5 and notice of the hearing
 22 shall be published in accordance with IC 5-3-1. If the township
 23 legislative body has adopted a resolution under this subsection, the
 24 township legislative body shall, after approval from the township
 25 trustee, forward the resolution to the legislative body of the
 26 consolidated city. If such a resolution is forwarded to the legislative
 27 body of the consolidated city, the legislative body of the consolidated
 28 city may adopt an ordinance, approved by the mayor of the
 29 consolidated city, approving the consolidation of the fire department of
 30 the township into the fire department of the consolidated city and the
 31 requirements of this subsection are satisfied. The consolidation shall
 32 take effect on the date agreed to by the township legislative body in its
 33 resolution and by the legislative body of the consolidated city in its
 34 ordinance approving the consolidation.

35 (h) (k) The following apply if the requirements of subsection (g) are
 36 satisfied: fire departments of the entities listed in subsection (a) are
 37 consolidated into the fire department of a consolidated city:

38 (1) The consolidation of the fire department of that township is
 39 effective on the date agreed to by the township legislative body in
 40 the resolution and by the legislative body of the consolidated city
 41 in its ordinance approving the consolidation.

42 (2) (I) Notwithstanding any other provision, a firefighter:

43 (A) who is a member of the 1977 fund before the effective date
 44 of a consolidation under this section; and

45 (B) who, after the consolidation, becomes an employee of the fire
 46 department of a consolidated city under this section;

47 remains a member of the 1977 fund without being required to meet
 48 the requirements under IC 36-8-8-19 and IC 36-8-8-21. The
 49 firefighter shall receive credit for any service as a member of the
 50 1977 fund before the consolidation to determine the firefighter's

1 eligibility for benefits under IC 36-8-8.

2 ~~(3)~~ (2) Notwithstanding any other provision, a firefighter:

3 (A) who is a member of the 1937 fund before the effective date
4 of a consolidation under this section; and

5 (B) who, after the consolidation, becomes an employee of the fire
6 department of a consolidated city under this section;

7 remains a member of the 1937 fund. The firefighter shall receive credit
8 for any service as a member of the 1937 fund before the consolidation
9 to determine the firefighter's eligibility for benefits under IC 36-8-7.

10 ~~(4)~~ (3) For property taxes first due and payable in the year in which
11 the consolidation is effective, the maximum permissible ad valorem
12 property tax levy under IC 6-1.1-18.5:

13 (A) is increased for the consolidated city by an amount equal to
14 the maximum permissible ad valorem property tax levy in the
15 year preceding the year in which the consolidation is effective
16 for fire protection and related services by the **township entity**
17 whose fire department is consolidated into the fire department of
18 the consolidated city under this section; and

19 (B) is reduced for the **township entity** whose fire department is
20 consolidated into the fire department of the consolidated city
21 under this section by the amount equal to the maximum
22 permissible ad valorem property tax levy in the year preceding
23 the year in which the consolidation is effective for fire protection
24 and related services for the **township entity**.

25 ~~(5)~~ (4) The amount levied in the year preceding the year in which
26 the consolidation is effective by the township whose fire
27 department is consolidated into the fire department of the
28 consolidated city for the township's cumulative building and
29 equipment fund for fire protection and related services is
30 transferred on the effective date of the consolidation to the
31 consolidated city's cumulative building and equipment fund for fire
32 protection and related services, which is hereby established. The
33 consolidated city is exempted from the requirements of IC 36-8-14
34 and IC 6-1.1-41 regarding establishment of the cumulative building
35 and equipment fund for fire protection and related services.

36 ~~(6)~~ (5) The local boards for the 1937 firefighters' pension fund and
37 the 1977 police officers' and firefighters' pension and disability
38 fund of the **township entities listed in subsection (a)** are dissolved,
39 and their services are terminated not later than the effective date of
40 the consolidation. The duties performed by the local boards under
41 IC 36-8-7 and IC 36-8-8, respectively, are assumed by the
42 consolidated city's local board for the 1937 firefighters' pension
43 fund and local board for the 1977 police officers' and firefighters'
44 pension and disability fund, respectively. Notwithstanding any
45 other provision, the legislative body of the consolidated city may
46 adopt an ordinance to adjust the membership of the consolidated
47 city's local board to reflect the consolidation.

48 ~~(7)~~ (6) The consolidated city may levy property taxes within the
49 consolidated city's maximum permissible ad valorem property tax
50 levy limit area served by the consolidated fire department to

provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within **or that directly benefit** the territory of the ~~police~~ fire special service district. Property taxes to fund the pension obligation under ~~IC 36-8-8~~ for members of the 1977 police officers' and firefighters pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and for the following two (2) years; to determine:

(A) the amount of any cost savings; operational efficiencies; or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

(I) An advisory commission designated as the "City of _____ Consolidated Fire Department Advisory Commission" shall be formed not later than July 1, 2006, to:

(1) provide advice and make recommendations to the chief of the consolidated department regarding the operation of the consolidated fire department and the provision of emergency medical services, including:

(A) the building and closing of fire stations;

(B) the placement of apparatus;

(C) the purchasing of equipment;

(D) the integration of the merit systems;

(E) staffing levels; and

(F) other matters as requested by the chief of the

- 1 consolidated fire department.
- 2 (2) review and comment on the annual capital budget for the
- 3 consolidated fire department; and
- 4 (3) conduct public hearings on transition matters prior to the
- 5 effective date of a consolidation.
- 6 (m) The advisory commission established under subsection (l)
- 7 consists of the following members:
- 8 (1) The executive of each township located in the county.
- 9 (2) One (1) member appointed by the director of public safety
- 10 for the consolidated city.
- 11 (3) One (1) member appointed by the legislative body of the
- 12 consolidated city.
- 13 (4) One (1) member appointed by the local labor union
- 14 representing firefighters employed by the consolidated fire
- 15 department.
- 16 (5) The chief of the consolidated fire department, who shall
- 17 serve as chairperson of the advisory commission.
- 18 (n) Members of the advisory commission appointed under
- 19 subsection (m)(1) shall receive an annual salary for their services
- 20 as members of the commission in an amount equal to ten percent
- 21 (10%) of the annual salary of the executive of the consolidated city.
- 22 Members of the advisory commission appointed under subsection
- 23 (m)(2), (m)(3), (m)(4), or (m)(5) are not entitled to any additional
- 24 salary for their service. The advisory commission may use the staff
- 25 and budget of the consolidated fire department to carry on the
- 26 commission's work.
- 27 (o) If a vacancy occurs on the advisory commission, the original
- 28 appointing authority shall appoint an individual to serve on the
- 29 commission for the unexpired term of the member.
- 30 (p) Seven (7) members of the commission constitute a quorum.
- 31 (q) The advisory commission is abolished after December 31,
- 32 2008, unless the commission is extended by resolution of the
- 33 legislative body of the consolidated city. If the legislative body of
- 34 the consolidated city extends the term of the advisory commission,
- 35 the resolution authorizing the extension must set forth the terms of
- 36 the members of the advisory commission."
- 37 SECTION 26. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005,
- 38 SECTION 19, IS AMENDED TO READ AS FOLLOWS
- 39 [EFFECTIVE JULY 1, 2006]: Sec. 6.2. ~~(a)~~ If a consolidated fire
- 40 department is established under section 6.1 of this chapter, the
- 41 consolidated city, through the consolidated fire department, shall after
- 42 the consolidation establish, operate, and maintain emergency
- 43 ambulance services (as defined in IC 16-18-2-107) in the fire special
- 44 service district and in those townships in the county. that are
- 45 consolidated under section 6.1 of this chapter.
- 46 (b) This section does not prohibit the providing of emergency
- 47 ambulance services under an interlocal agreement under IC 36-1-7.
- 48 SECTION 27. IC 36-3-1-6.3 IS ADDED TO THE INDIANA CODE
- 49 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 50 JULY 1, 2006]: Sec. 6.3. (a) The consolidated fire department may

1 not provide fire protection services for:

2 (1) an excluded city; or

3 (2) a fire protection territory for which an excluded city is a
4 provider unit (as defined in IC 36-8-19-3);

5 unless the fire protection services are provided under an interlocal
6 agreement under IC 36-1-7 or the conditions in subsection (b) are
7 met.

8 (b) For the consolidated fire department to provide fire
9 protection services to an excluded city other than under an
10 interlocal agreement under IC 36-1-7, all the following must occur:

11 (1) The legislative body of the excluded city and the city-county
12 legislative body must adopt substantially similar ordinances
13 authorizing the consolidation of the fire department of the
14 excluded city into the consolidated fire department.

15 (2) The ordinances described in subdivision (1) must:

16 (A) specify the effective date of the consolidation; and

17 (B) set forth the conditions of the consolidation.

18 (c) After the effective date of the consolidation described in
19 subsection (b), the consolidated fire department shall provide fire
20 protection services within the territory of the excluded city.

21 (d) After the effective date of the consolidation described in
22 subsection (b), all the property, equipment, records, rights, and
23 contracts of the fire department of the excluded city are
24 transferred to and assumed by the consolidated city.

25 (e) After the effective date of the consolidation described in
26 subsection (b), the employees of the fire department of the excluded
27 city cease employment with the excluded city and become
28 employees of the consolidated fire department. These employees
29 are not hired or rehired for purposes of IC 36-8-3.2 or IC 36-8-10.5
30 upon becoming employees of the consolidated fire department. The
31 consolidated city shall assume all agreements with labor
32 organizations that:

33 (1) are in effect after the effective date of the consolidation
34 described in subsection (b); and

35 (2) apply to employees of the fire department of the excluded
36 city who become employees of the consolidated fire
37 department.

38 (f) Except as provided in subsection (h), the consolidated city
39 shall assume, defease, pay, or refund all indebtedness related to fire
40 protection services incurred before the effective date of the
41 consolidation described in subsection (b) by:

42 (1) an excluded city; or

43 (2) a building, holding, or leasing corporation on behalf of an
44 excluded city;

45 whose fire department is consolidated into the consolidated fire
46 department under subsection (b).

47 (g) Notwithstanding any other law, to assume, defease, pay, or
48 refund all or a part of the indebtedness described in subsection (f),
49 the consolidated city is not required to comply with any other
50 statutory procedures or approvals that apply when a unit incurs

1 indebtedness.

2 (h) Notwithstanding subsections (f) and (g), the consolidated city
3 may not assume all or a part of the indebtedness described in
4 subsection (f) that will exceed the limitations on the amount of
5 indebtedness that the consolidated city may incur.

6 (i) The rights of the trustee and the bondholders with respect to
7 any:

8 (1) indebtedness or bonds; or

9 (2) bond resolution, trust agreement or indenture, security
10 agreement, purchase agreement, or other undertaking
11 described in subsection (f);

12 remain the same, although the powers, duties, agreements, and
13 liabilities of the departments listed in subsection (a) have been
14 transferred to the consolidated city, and the consolidated city shall
15 be considered to have assumed all those powers, duties,
16 agreements, and liabilities.

17 (j) Whenever an excluded city consolidates its fire department
18 into the consolidated fire department under subsection (b), the
19 local boards for the 1937 firefighters' pension fund and the 1977
20 police officers' and firefighters' pension and disability fund of the
21 excluded city are dissolved, and their services are terminated not
22 later than the effective date of the consolidation. The duties
23 performed by the local boards under IC 36-8-7 and IC 36-8-8,
24 respectively, are assumed by the consolidated city's local board for
25 the 1937 firefighters' pension fund and local board for the 1977
26 police officers' and firefighters' pension and disability fund,
27 respectively.

28 (k) Whenever an excluded city consolidates its fire department
29 into the consolidated fire department under subsection (b), the
30 merit board and merit system of the excluded city's fire
31 department are dissolved, and the duties of the excluded city's
32 merit board are transferred to and assumed by the merit board for
33 the consolidated fire department.

34 (l) Whenever an excluded city consolidates its fire department
35 into the consolidated fire department under subsection (b), for
36 property taxes first due and payable in the calendar year following
37 the effective date of the consolidation, the maximum permissible ad
38 valorem property tax levy under IC 6-1.1-18.5:

39 (1) is increased for a consolidated city by the amount levied in
40 the prior calendar year for fire protection and related services
41 by the excluded city; and

42 (2) is reduced for the excluded city by the amount levied in the
43 prior calendar year for fire protection and related services by
44 the excluded city.

45 (m) Whenever an excluded city consolidates its fire department
46 into the consolidated fire department under subsection (b), for
47 property taxes first due and payable in the calendar year following
48 the effective date of the consolidation, the amount levied under
49 IC 6-1.1-41 and IC 36-8-14 in the prior calendar year by the
50 excluded city for its cumulative building and equipment fund for

1 **firefighting and related services is transferred to the consolidated**
 2 **city's cumulative building and equipment fund for firefighting and**
 3 **related services, and the consolidated city is exempted from the**
 4 **requirements of IC 6-1.1-41 and IC 36-8-14 regarding an increase**
 5 **to the levy for its cumulative building and equipment fund for**
 6 **firefighting and related services.**

7 **(n) Whenever an excluded city consolidates its fire department**
 8 **into the consolidated fire department under subsection (b),**
 9 **commencing with the calendar year following consolidation and for**
 10 **each year thereafter, the excluded city's monthly distributive share**
 11 **of county option income tax revenues distributed under**
 12 **IC 6-3.5-6-18.5 shall be reduced by a percentage set forth in the**
 13 **ordinances adopted under subsection (b), and those revenues shall**
 14 **instead be distributed as additional distributive shares to**
 15 **Indianapolis/Marion County.**

16 **(o) Whenever an excluded city consolidates its fire department**
 17 **into the consolidated fire department under subsection (b), the**
 18 **excluded city shall appoint one (1) representative to the fire**
 19 **department advisory commission established under IC 36-3-1-6.1,**
 20 **if such advisory commission is still in existence, and the legislative**
 21 **body of the consolidated city shall adjust the quorum requirements**
 22 **for the advisory commission accordingly.**

23 SECTION 28. IC 36-3-2-10 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 10. (a) The
 25 general assembly finds the following:

26 (1) That the tax base of the consolidated city and the county have
 27 been significantly eroded through the ownership of tangible
 28 property by separate municipal corporations and other public
 29 entities that operate as private enterprises yet are exempt or whose
 30 property is exempt from property taxation.

31 (2) That to restore this tax base and provide a proper allocation of
 32 the cost of providing governmental services the legislative body of
 33 the consolidated city and county should be authorized to collect
 34 payments in lieu of taxes from these public entities.

35 (3) That the appropriate maximum payments in lieu of taxes would
 36 be the amount of the property taxes that would be paid if the
 37 tangible property were not subject to an exemption.

38 (b) As used in this section, the following terms have the meanings set
 39 forth in IC 6-1.1-1:

40 (1) Assessed value.

41 (2) Exemption.

42 (3) Owner.

43 (4) Person.

44 (5) Personal property.

45 (6) Property taxation.

46 (7) Tangible property.

47 ~~(8) Township assessor.~~

48 (c) As used in this section, "PILOTS" means payments in lieu of
 49 taxes.

50 (d) As used in this section, "public entity" means any of the following

1 government entities in the county:

- 2 (1) An airport authority operating under IC 8-22-3.
- 3 (2) A capital improvement board of managers under IC 36-10-9.
- 4 (3) A building authority operating under IC 36-9-13.
- 5 (4) A wastewater treatment facility.

6 (e) The legislative body of the consolidated city may adopt an
7 ordinance to require a public entity to pay PILOTS at times set forth in
8 the ordinance with respect to:

- 9 (1) tangible property of which the public entity is the owner or the
10 lessee and that is subject to an exemption;
- 11 (2) tangible property of which the owner is a person other than a
12 public entity and that is subject to an exemption under IC 8-22-3;
- 13 or
- 14 (3) both.

15 The ordinance remains in full force and effect until repealed or
16 modified by the legislative body.

17 (f) The PILOTS must be calculated so that the PILOTS may be in any
18 amount that does not exceed the amount of property taxes that would
19 have been levied by the legislative body for the consolidated city and
20 county upon the tangible property described in subsection (e) if the
21 property were not subject to an exemption from property taxation.

22 (g) PILOTS shall be imposed as are property taxes and shall be based
23 on the assessed value of the tangible property described in subsection
24 (e). The ~~township assessors~~ **county assessor** shall assess the tangible
25 property described in subsection (e) as though the property were not
26 subject to an exemption. The public entity shall report the value of
27 personal property in a manner consistent with IC 6-1.1-3.

28 (h) Notwithstanding any law to the contrary, a public entity is
29 authorized to pay PILOTS imposed under this section from any legally
30 available source of revenues. The public entity may consider these
31 payments to be operating expenses for all purposes.

32 (i) PILOTS shall be deposited in the consolidated county fund and
33 used for any purpose for which the consolidated county fund may be
34 used.

35 (j) PILOTS shall be due as set forth in the ordinance and bear
36 interest, if unpaid, as in the case of other taxes on property. PILOTS
37 shall be treated in the same manner as taxes for purposes of all
38 procedural and substantive provisions of law.

39 (k) PILOTS imposed on a wastewater treatment facility may be paid
40 only from the cash earnings of the facility remaining after provisions
41 have been made to pay for current obligations, including:

- 42 (1) operating and maintenance expenses;
- 43 (2) payment of principal and interest on any bonded indebtedness;
- 44 (3) depreciation or replacement fund expenses;
- 45 (4) bond and interest sinking fund expenses; and
- 46 (5) any other priority fund requirements required by law or by any
47 bond ordinance, resolution, indenture, contract, or similar
48 instrument binding on the facility.

49 SECTION 29. IC 36-3-2-11 IS AMENDED TO READ AS
50 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. (a) As used

in this section, the following terms have the meanings set forth in IC 6-1.1-1:

(1) Assessed value.

(2) Exemption.

(3) Owner.

(4) Person.

(5) Property taxation.

(6) Real property.

~~(7) Township assessor.~~

(b) As used in this section, "PILOTS" means payments in lieu of taxes.

(c) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is located in a county with a consolidated city.

(d) Subject to the approval of a property owner, the legislative body of the consolidated city may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7. The ordinance remains in full force and effect until repealed or modified by the legislative body, subject to the approval of the property owner.

(e) The PILOTS must be calculated so that the PILOTS are in an amount that is:

(1) agreed upon by the property owner and the legislative body of the consolidated city;

(2) a percentage of the property taxes that would have been levied by the legislative body for the consolidated city and the county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation; and

(3) not more than the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation.

(f) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the real property described in subsection (d). The ~~township assessors~~ **county assessor** shall assess the real property described in subsection (d) as though the property were not subject to an exemption.

(g) PILOTS collected under this section shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5 and used for any purpose for which the housing trust fund may be used.

(h) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law."

Page 22, strike lines 18 through 21.

Page 22, line 22, strike "(2)" and insert "(1)".

Page 22, line 25, strike "(3)" and insert "(2)".

Page 22, line 27, strike "(4)" and insert "(3)".

Page 22, line 29, strike "(5)" and insert "(4)".

1 Page 22, line 31, strike "(6)" and insert "(5)".

2 Page 22, delete lines 34 through 36.

3 Page 23, line 23, after "budgeting," insert **"including the**
 4 **maintenance and updating of the official budget of the city and**
 5 **county,"**.

6 Page 24 line 21, after "officer." insert **"Before any new human**
 7 **resources policy or personnel policy goes into effect, the controller**
 8 **must inform the fiscal body that there are sufficient funds in the**
 9 **existing budget to cover any increase in expenses. "**

10 Page 24, between lines 21 and 22, begin a new paragraph and insert:
 11 "SECTION 30. IC 36-3-6-4, AS AMENDED BY P.L.227-2005,
 12 SECTION 31, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) Before the Wednesday
 14 after the first Monday in July each year, the consolidated city and
 15 county shall prepare budget estimates for the ensuing budget year under
 16 this section.

17 (b) The following officers shall prepare for their respective
 18 departments, offices, agencies, or courts an estimate of the amount of
 19 money required for the ensuing budget year, stating in detail each
 20 category and item of expenditure they anticipate:

21 (1) The director of each department of the consolidated city.

22 (2) Each ~~township assessor~~, elected county officer or head of a
 23 county agency.

24 (3) The county clerk, for each court ~~of which he is the clerk serves~~.

25 (c) In addition to the estimates required by subsection (b), the county
 26 clerk shall prepare an estimate of the amount of money that is, under
 27 law, taxable against the county for the expenses of cases tried in other
 28 counties on changes of venue.

29 (d) Each officer listed in subsection (b)(2) or (b)(3) shall append a
 30 certificate to each estimate the officer prepares stating that in the
 31 officer's opinion the amount fixed in each item will be required for the
 32 purpose indicated. The certificate must be verified by the oath of the
 33 officer.

34 (e) An estimate for a court or division of a court is subject to
 35 modification and approval by the judge of the court or division.

36 (f) All of the estimates prepared by city officers and county officers
 37 shall be submitted to the controller.

38 (g) The controller shall also prepare an itemized estimate of city and
 39 county expenditures for other purposes above the money proposed to
 40 be used by the city departments and county officers and agencies.

41 SECTION 31. IC 36-3-6-4.1 IS ADDED TO INDIANA CODE AS
 42 A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
 43 JANUARY 1, 2007]: **Sec. 4.1. Notwithstanding IC 36-8-7, the**
 44 **city-county legislative body shall adopt an ordinance under section**
 45 **7 of this chapter to levy a tax only within the fire special service**
 46 **district in the amount and at the rate necessary to produce**
 47 **sufficient revenue to pay the amounts required to satisfy the**
 48 **consolidated city's 1937 firefighters' pension fund obligations under**
 49 **IC 36-8-7-14."**

50 Page 29, line 24, after "employees." insert **"The controller must**

confirm to the fiscal body that the human resource policy and personnel changes during a fiscal year will not result in the elected county officers exceeding their budgets.".

Page 24, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 32. IC 36-3-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation under IC 36-3-1-6.1, in the name of:**

(1) a township;

(2) an airport authority;

(3) a fire protection territory; or

(4) a building, holding, or leasing corporation on behalf of a township, an airport authority, or a fire protection territory; to satisfy the requirements of IC 36-3-1-6.1(f), IC 36-3-1-6.1(g), and IC 36-3-1-6.1(h).

(b) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation described in IC 36-3-1-6.3(b) by:

(1) an excluded city; or

(2) a building, holding, or leasing corporation on behalf of an excluded city;

to satisfy the requirements of IC 36-3-1-6.3(f), IC 36-3-1-6.3(g), and IC 36-3-1-6.3(h)."

Delete pages 25 through 28.

Page 29, delete lines 1 through 39.

Page 32, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 33. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 8. (a)** The executive may use the township's share of state, county, and township tax revenues and federal revenue sharing funds for all categories of community services, if these funds are appropriated for these services by the township legislative body. The executive may use these funds for both operating and capital expenditures.

(b) With the consent of the township legislative body, the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

(c) Except in a township located in a county having a consolidated city, the executive may contract with a private person to provide regular or emergency ambulance service within the township. The contract may provide for the imposition and collection of fees for this service.

(d) Except in a township located in a county having a consolidated city, the township legislative body may adopt a resolution to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department.

SECTION 34. IC 36-6-5-1, AS AMENDED BY P.L.240-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 1. (a) **Except as provided in this section and section 3 of this chapter**, a township assessor shall be elected under IC 3-10-2-13 by the voters of each township having:

- (1) a population of more than eight thousand (8,000); or
- (2) an elected township assessor or the authority to elect a township assessor before January 1, 1979.

(b) A township assessor shall be elected under IC 3-10-2-14 in each township having a population of more than five thousand (5,000) but not more than eight thousand (8,000), if the legislative body of the township:

- (1) by resolution, declares that the office of township assessor is necessary; and
- (2) the resolution is filed with the county election board not later than the first date that a declaration of candidacy may be filed under IC 3-8-2.

(c) A township government that is created by merger under IC 36-6-1.5 shall elect only one (1) township assessor under this section.

(d) The township assessor must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The assessor forfeits office if the assessor ceases to be a resident of the township.

(e) The term of office of a township assessor is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. **In a township located in a county having a consolidated city, the term of office of a township assessor elected in the 2006 election is one (1) year, beginning January 1 after the election.** However, the term of office of a township assessor elected at a general election in which no other township officer is elected ends on December 31 after the next election in which any other township officer is elected.

SECTION 35. IC 36-6-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) This section applies to ~~townships~~ **a township, other than a township located in a county having a consolidated city**, that ~~do~~ **does** not have an elected or appointed and qualified township assessor.

(b) The township executive shall perform all the duties and has all the rights and powers of assessor. If a township qualifies under IC 36-6-5-1 to elect a township assessor, the executive shall continue to serve as assessor until an assessor is appointed or elected and qualified.

(c) The bond filed by the executive in ~~his~~ **the executive's** capacity as executive also covers ~~his~~ **the executive's** duties as assessor."

Page 35, line 36, delete "," and insert ":

- (1) there is no township assessor after December 31, 2007;**
- (2) after December 31, 2007, the duties of the township assessor prescribed by IC 6-1.1 are performed by the county assessor under IC 36-2-15-5; and**
- (3) after December 31, 2007,".**

Page 32, delete lines 41 through 42, begin a new paragraph and

1 insert:

2 "SECTION 36. IC 36-7-11.2-11 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. As used in
4 this chapter, "notice" means written notice:

- 5 (1) served personally upon the person, official, or office entitled
6 to the notice; or
7 (2) served upon the person, official, or office by placing the notice
8 in the United States mail, first class postage prepaid, properly
9 addressed to the person, official, or office. Notice is considered
10 served if mailed in the manner prescribed by this subdivision
11 properly addressed to the following:

12 (A) The governor, both to the address of the governor's official
13 residence and to the governor's executive office in
14 Indianapolis.

15 (B) The Indiana department of transportation, to the
16 commissioner.

17 (C) The department of natural resources, both to the director of
18 the department and to the director of the department's division
19 of historic preservation and archeology.

20 (D) The department of metropolitan development.

21 (E) An occupant, to:

- 22 (i) the person by name; or
23 (ii) if the name is unknown, to the "Occupant" at the address
24 of the Meridian Street or bordering property occupied by the
25 person.

26 (F) An owner, to the person by the name shown to be the name
27 of the owner, and at the person's address, as the address
28 appears in the records in the bound volumes of the most recent
29 real estate tax assessment records as the records appear in the
30 offices of the ~~township assessors~~ **county assessor** in Marion
31 County.

32 (G) A neighborhood association or the society, to the
33 organization at the latest address as shown in the records of the
34 commission.

35 SECTION 37. IC 36-7-11.2-58 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 58. (a) A person
37 who has filed a petition under section 56 or 57 of this chapter shall, not
38 later than ten (10) days after the filing, serve notice upon all interested
39 parties. The notice must state the following:

40 (1) The full name and address of the following:

41 (A) The petitioner.

42 (B) Each attorney acting for and on behalf of the petitioner.

43 (2) The street address of the Meridian Street and bordering
44 property for which the petition was filed.

45 (3) The name of the owner of the property.

46 (4) The full name and address of, and the type of business, if any,
47 conducted by:

48 (A) each person who at the time of the filing is a party to; and

49 (B) each person who is a disclosed or an undisclosed principal
50 for whom the party was acting as agent in entering into;

a contract of sale, lease, option to purchase or lease, agreement to build or develop, or other written agreement of any kind or nature concerning the subject property or the present or future ownership, use, occupancy, possession, or development of the subject property.

(5) A description of the contract of sale, lease, option to purchase or lease, agreement to build or develop, or other written agreement sufficient to disclose the full nature of the interest of the party or of the party's principal in the subject property or in the present or future ownership, use, occupancy, possession, or development of the subject property.

(6) A description of the proposed use for which the rezoning or zoning variance is sought, sufficiently detailed to appraise the notice recipient of the true character, nature, extent, and physical properties of the proposed use.

(7) The date of the filing of the petition.

(8) The date, time, and place of the next regular meeting of the commission if a petition is for approval of a zoning variance. If a petition is filed with the development commission, the notice does not have to specify the date of a hearing before the commission or the development commission. However, the person filing the petition shall give ten (10) days notice of the date, time, and place of a hearing before the commission on the petition after the referral of the petition to the commission by the development commission.

(b) For purposes of giving notice to the interested parties who are owners, the records in the bound volumes of the recent real estate tax assessment records as the records appear in the offices of the ~~township assessors~~ **county assessor** as of the date of filing are considered determinative of the persons who are owners.

SECTION 38. IC 36-7-15.1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 32. (a) The commission must establish a program for housing. The program, which may include such elements as the commission considers appropriate, must be adopted as part of a redevelopment plan or amendment to a redevelopment plan, and must establish an allocation area for purposes of sections 26 and 35 of this chapter for the accomplishment of the program.

(b) The notice and hearing provisions of sections 10 and 10.5 of this chapter apply to the resolution adopted under subsection (a). Judicial review of the resolution may be made under section 11 of this chapter.

(c) Before formal submission of any housing program to the commission, the department shall consult with persons interested in or affected by the proposed program and provide the affected neighborhood associations, residents, and ~~township assessors~~ **the county assessor** with an adequate opportunity to participate in an advisory role in planning, implementing, and evaluating the proposed program. The department may hold public meetings in the affected neighborhood to obtain the views of neighborhood associations and residents.

SECTION 39. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. This chapter applies to:

(1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);

(2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1 **or IC 36-3-1-6.3; provided that however,** the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; and

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1;

except as provided by section 7 of this chapter.

SECTION 40. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3),** for a unit that established a 1937 fund for its firefighters, the local board

described in IC 36-8-7-3.

(3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3:

(A) before the date the consolidation is effective, the local board described in IC 36-8-7-3; and

(B) on and after the date the consolidation is effective, the local board of the consolidated city established under IC 36-8-7-3.

~~(3)~~ **(4)** For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ **(5)** For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d)**, if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(d) If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3, the local board is:

(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(2) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.

SECTION 41. IC 36-8-8-7, AS AMENDED BY P.L.227-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), **and (m):** ~~and (n):~~

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period

to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired by the police or fire department of a unit before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) is rehired by the police or fire department of another unit after December 31, 1981; and
- (4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- (1) is employed by a unit that is participating in the 1977 fund;
- (2) was employed as an emergency medical technician by a

political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction; shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**

(2) whose employer is consolidated into the **consolidated law enforcement department or the** fire department of a consolidated city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;** and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, a police officer or firefighter who:

(1) before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1,

provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) has the provision of those services consolidated into the **consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1;** and

(3) after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

(1) may not be:

~~(1)~~ (A) retired for purposes of section 10 of this chapter; or

~~(2)~~ (B) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation;

and

(2) shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k) or (l).

SECTION 42. IC 36-9-11.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) All property of every kind, including air rights, acquired for off-street parking purposes, and all its funds and receipts, are exempt from taxation for all purposes. When any real property is acquired by the consolidated city, the county auditor shall, upon certification of that fact by the board, cancel all taxes then a lien. The certificate of the board must specifically describe the real property, including air rights, and the purpose for which acquired.

(b) A lessee of the city may not be assessed any tax upon any land, air rights, or improvements leased from the city, but the separate leasehold interest has the same status as leases on taxable real property, notwithstanding any other law. Whenever the city sells any such property to anyone for private use, the property becomes liable for all taxes after that, as other property is so liable and is assessed, and the board shall report all such sales to the ~~township~~ **county** assessor, who shall cause the property to be upon the proper tax records."

Page 33, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 43. IC 36-8-4.3 IS REPEALED [EFFECTIVE JANUARY 1, 2007].

SECTION 50. [EFFECTIVE JULY 1, 2006] **The general assembly finds the following:**

(1) A consolidated city faces unique budget challenges due to a high demand for services combined with the large number of tax exempt properties located in a consolidated city as the seat of state government, home to several institutions of higher education, and home to numerous national, state, and regional nonprofit corporations.

(2) By virtue of its size and population density, a consolidated

city has unique overlapping territories of county, city, and township government and an absence of unincorporated areas within its county.

(3) By virtue of its size, population, and absence of unincorporated areas, development extends to and across the boundaries of the contiguous governmental territories located within a county having a consolidated city, thus giving less meaning to boundaries of the governmental territories located within the county.

(4) By virtue of its size, population, absence of unincorporated areas, overlapping territories, and development to and across the boundaries of contiguous governmental territories, there is less need for differentiation of local governmental services within the separate governmental territories located within a county having a consolidated city, but rather the local governmental service needs are similar and more uniform within and across a county having a consolidated city.

(5) The provision of local governmental services by multiple governmental entities with overlapping territories, and by governmental entities with contiguous territories with less meaningful boundaries, results in disparate levels of local government services within a county having a consolidated city and results in the inefficient and poor use of taxpayer dollars.

(6) As the state capital and a center for professional sporting events, tourism, and culture in central Indiana, the consolidated city faces unique demands for protecting governmental property and securing the safety of large numbers of residents and visitors, which require innovative approaches to public safety resources.

(7) If public safety resources are consolidated, residual services provided by townships are limited and can more effectively and uniformly be performed through consolidation at the city or county level.

(8) Substantial operational efficiencies, reduction of administrative costs, and economies of scale may be obtained in a consolidated city through further consolidation of county, city, and township services and operations.

(9) Consolidation of county, city, and township services and operations in the consolidated city will serve the public purpose by allowing the consolidated city to:

(A) eliminate duplicative services;

(B) provide better coordinated and more uniform delivery of local governmental services;

(C) provide uniform oversight and accountability for the budgets for local governmental services;

(D) simplify the system of property taxation;

(E) provide more unified tax rates; and

(F) allow local government services to be provided more efficiently and at a lower cost than without consolidation.

1 **(10) Efficient and fiscally responsible operation of local**
 2 **government benefits the health and welfare of the citizens of**
 3 **a consolidated city and is of public utility and benefit.**

4 **(11) The public purpose of this act is to provide a consolidated**
 5 **city with the means to perform essential governmental**
 6 **services for its citizens in an effective, efficient, and fiscally**
 7 **responsible manner."**

8 Page 35, after line 7, begin a new paragraph and insert:

9 **"SECTION 44. [EFFECTIVE JULY 1, 2006] For property taxes**
 10 **first due and payable in 2008, the maximum permissible ad**
 11 **valorem property tax levy under IC 6-1.1-18.5 of a county having**
 12 **a consolidated city is increased by the amount levied in 2007 for**
 13 **assessor and related services by each township in the county.**

14 **SECTION 45. [EFFECTIVE JULY 1, 2006] The legislative**
 15 **services agency shall prepare legislation for introduction in the**
 16 **2007 regular session of the general assembly to organize and**
 17 **correct statutes affected by this act, if necessary."**

18 Re-number all SECTIONS consecutively.

(Reference is to SB 1 as printed January 27, 2006.)

Senator BREAU